

## **Quackenbush Appendix D**

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## S5714-2011: Prohibits public employers from diminishing the health insurance benefits and contributions of retired public employees

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Prohibits public employers from diminishing the health insurance benefits and contributions of retired public employees in the police and fire retirement systems.

**Sponsor:** [MARTINS](#) / **Committee:** [INSURANCE](#)**Law Section:** [Insurance](#)

### S5714-2011 Actions

- Jan 4, 2012: REFERRED TO INSURANCE
- Jun 13, 2011: REFERRED TO RULES

### S5714-2011 Memo

BILL NUMBER: S5714

**TITLE OF BILL:**

An act  
prohibiting public employers from diminishing the health insurance  
benefits and contributions of retired public employees in the New York  
state and local police and fire retirement system

**PURPOSE OF BILL:**

To protect the health insurance benefits of State and local public  
government retirees and their dependents.

**SUMMARY OF PROVISIONS OF BILL:**

This bill would provide that governmental employers would be prohibited from providing retired members of the New York State and local police and fire retirement system, and the New York City police and fire department pension funds and their dependents a diminished level of health insurance benefits than the level of such benefits provided to corresponding active public employees. The bill would apply only to retired members of the New York State and Local State and local police and fire retirement system, and the New York City police and fire department pension funds and their dependents. Collective bargaining agreements would take precedence over this prohibition and there would be no requirement that governmental entities offer health insurance benefits if they are not currently

provided.

JUSTIFICATION:

Health insurance coverage is of tremendous importance to retirees and their dependents. This bill creates a uniform standard of protection which applies to both active and retired employees and their dependents, unless covered by a union contract. Police and Firefighter retirees have no other protection as they have no ability, once retired, to bargain for benefits they were promised when they were hired.

PRIOR LEGISLATIVE HISTORY:

This is a new bill.

FISCAL IMPLICATIONS:

Minimal since the existing level of benefits would be continued.

EFFECTIVE DATE:

Immediately upon enactment.

## **S5714-2011 Text**

S T A T E   O F   N E W   Y O R K

5714

2011-2012 Regular Sessions

I N SENATE

June 13, 2011

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT prohibiting public employers from diminishing the health insurance benefits and contributions of retired public employees in the New York state and local police and fire retirement system

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. On and after the effective date of this act, a public employer shall be prohibited from diminishing the health insurance benefits provided to public employee retirees and their dependents or the contributions such employer makes for such health insurance coverage below the level of such benefits or contributions made on behalf of such retirees and their dependents by such employer unless a corresponding diminution of benefits or contributions is effected from the level of benefits or contributions provided to a corresponding group of active employees for such retirees.

S 2. For purposes of this act, "public employee retirees and their dependents" shall mean retired members and dependents of the New York state and local police and fire retirement system, the New York city police department pension fund and the New York city fire department pension fund.

S 3. For purposes of this act, "public employer" shall mean the following: (i) the state; (ii) a county, city, town or village; (iii) any governmental entity operating a college or university; (iv) a public improvement or special district; (v) a public authority, commission or public benefit corporation; or (vi) any other public corporation, agency, instrumentality or unit of government which exercises governmental power under the laws of this state.

S 4. Nothing contained in this act shall supersede or diminish the terms of a collective bargaining agreement.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 5. Nothing contained in this act shall require a public employer which does not provide health insurance benefits to retirees and their dependents as of the effective date of this act to offer such benefits.

S 6. This act shall take effect immediately.

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